



Appeal Decision

Site visit made on 2 May 2024

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 May 2024

Appeal Ref: APP/U2235/D/24/3337728

Bydews Stables, Farleigh Hill, Tovil, Maidstone, Kent, ME15 0JB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs M Clarke against the decision of Maidstone Borough Council.
 - The application Ref is 23/504116/FULL.
 - The development proposed is single storey extension to existing dwelling to provide ground floor bedroom, ensuite and sun room area.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Maidstone Borough Council Local Plan Review (LPR) was adopted on 20 March 2024. Consequently, this decision has considered under Policies LPRSP9, LPRSP14, LPRSP15, LPRHOU11, LPRENV1 and LPRQD4 of the LPR, as well as Policies, SP17, SP18, DM1, DM4, DM30, and DM32 of the Maidstone Local Plan (LP) 2017. Comments of main parties have been considered in this decision.

Main Issues

3. The main issues are the effects of the proposal on (a) the settings of listed buildings, known as Bydews Place, Oasthouse, the Cottage, Dovecote and Bydews Farmhouse, and (b) the character and appearance of the area.

Reasons

Settings of listed buildings

4. The appeal site comprises a small single storey building, forming a stable outbuilding, which has been converted into a dwelling. An access serves the building and nearby Bydews Place, Grade II* listed, and Oasthouse, Cottage, Dovecote and Bydews Farmhouse buildings, all Grade II listed. There are also four nearby new dwellings clustered around a new access, between them and the main road, which are also served off this drive.
5. The original building is asymmetrical in form, constructed in brick and with a part hipped plain tiled roof. Its frontage has semi-oval windows within protruding brickwork and a tall central door similarly slightly forward of brickwork either side. The central door, with a multipaned window, rises above the roof eaves line and has a lean-to type roof extending above the sloping roof plane. The conversion has resulted in new openings down the flanks of the building but there is attractive Victorian brickwork undertaken in a Flemish

stretcher type bond. Within one flank, there is a date stone marked 18BP52. The appellant's Heritage Statement (HS) dates the construction of the building to 1850s and details the use of the building for horses connected with the estate. Furthermore, it is associated with Reverend Beale Poste, a 19th century, clergyman and antiquarian who occupied Bydews Place.

6. Bydews Place is a former 15th to 16th century Wealden Hall house, heavily disguised by early 19th century render and sashed windows. The statutory listed building (statutory listed building number 1075786) describes the building as L-shaped and two-storey, with a front elevation consisting of a centre, 2 wings and attics. The roof comprises a hipped roof with 4 dormers. There are casement windows with small square leaded panes and sashes with glazing bars intact. There is a 19th century gabled porch, stone chimneybreast on the south west side and the north-west wing comprises stone with 2 casements, probably 17th century.
7. In Greenwoods's history of Kent, An Epitome of County History, published in 1838, Beddows Place (Bydews Place) is described as being occupied by one Vidian and others, in the time of Henry VIII, and by the Westons in following Tudor monarch reigns. In 1612, it was purchased by Richard Beale, Esq. by an alliance with whose descendent it became the property of William Post, in 1747. Within the house, an apartment was used as a place of worship, from 1701 to 1746, by a congregation of Baptists. The house came into the ownership of Beale Poste, fourth son of William Poste, in 1806 and his notebooks provide evidence of changes made to the building at this time, particularly to the interior.
8. The listed building description also indicates group value attached to Bydews Place in connection with the other nearby listed buildings. The Oasthouse is early 19th century, 2 storeys with yellow brick and slate roof, and has three distinctive oasthouse casts, one circular with a conical roof and 2 square with pyramidal roof, with fantails. The Cottage has a red brick ground and rendered first floors, with a tiled roof, and is a possible timber-framed building refaced in the 18th century. The stone constructed Dovecote, with pigeonholes on the ground floor, dates to 17th century and was converted to a cottage in the early 19th century. The Farmhouse is constructed with painted brick with a mansard tiled roof and dates to the 18th century. As confirmed by the HA, these buildings comprised part of the former farm complex at Bydews.
9. In conclusion, Bydews Place is a large and dominant dwelling house, Grade II* listed, and set in a complex of mostly former agricultural buildings. It has a high level of architectural and historical significance and special interest because of its date, evidential qualities, evolution illustrating building techniques, association with Beale Post and group value with the other listed buildings. The surrounding listed buildings are Grade II, with similar architectural and historical significance and special interest, and their connection to Bydews Place is subordinate in a physical and/or functional capacity.
10. A rural setting is important for an understanding and appreciation of the Place and neighbouring listed buildings as they formed an agricultural complex of buildings in the countryside. During the late 20th and early 21st century, some of the listed buildings have been converted into residential use and there has been new housing adjacent to the appeal site. As such, there is a more

domesticated feel to the setting of the agricultural complex and The Place. Nevertheless, the spacious and landscaped context gives a semi-rural character and appearance to the Place and adjacent listed buildings, which continues to inform the understanding of the listed buildings as having been built and been in agricultural use in the countryside.

11. Within this setting, the appeal building retains an ancillary building presence through its size, materials and simplicity in design. Despite its residential use and extension, it still conveys rural character and appearance, and feeling of being part of a hierarchy within the former agricultural complex of buildings. As such, it contributes to the setting of Bydews Place and other listed buildings.
12. The proposal would result in a large extension, with a pitched roof, which would cover much of the original flank of the former stable building. It would have substantial ill-proportioned floor to ceiling glazed openings to the side and rear. From the front, the extension would appear overly imposing with its extensive brickwork rising above the roof eaves line of the former stable building. Together with the window, this would also be unsympathetic to the simple symmetry of the façade. As such, the modest scale, simple rural design and proportions of the building would be fundamentally lost. Cumulatively, the footprint and extent of existing and proposed extensions would greatly exceed that of the existing building, and would adversely affect the simple rural design of the building.
13. There is established landscaping around the plot of the appeal building, especially between it and Bydews Place. However, listed buildings are safeguarded for their inherent architectural and historic interest, irrespective of whether or not public views of them can be gained. Consequently, appreciation of their significance and special interest is not solely determined by views. In any case, there is no guarantee that vegetation will not be removed for any number of reasons, such as disease, extreme weather, or accidental damage, and replacement planting would take significant time to be fully established.
14. Consequently, there would harm to the settings of these listed buildings, with harm being most marked for Bydews Place due to its closer proximity. For each listed building, such harm would be less than substantial in terms of the National Planning Policy Framework (the Framework).

Character and appearance

15. The appeal site lies within Medway Valley Landscape of Local Value designated under the LP and LPR. The site is enclosed within a group of buildings and vegetation and trees that separate it from the wider area, including the urban area focused on Fairleigh Heights and Dean Street, and farmland, hedgerows, and woodland, in a gently undulating landscape. As such, the effect of the enlargement of the appeal building would be localised and the harm relating to the unacceptability of the extension on the historical building and its immediate surroundings. Thus, the harm on the character and appearance of the area would be small.

Other matters

16. My attention has been drawn to the planning permission for the four nearby dwellings and by implication, the Council's acceptance of the effect of this development on the setting of the Place and the other listed buildings.

However, inevitably, every proposal will be different in nature, circumstances and policy, and there will be differing weights to benefits and harms in heritage and planning balances. Consequently, every proposal has to be considered on its planning merits and therefore, such a decision attracts negligible weight.

Heritage and Planning Balance

17. Paragraph 208 of the Framework states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The appeal proposal is part of a wider scheme of restoration and repair of listed buildings within the control of the appellant. However, the appeal proposal would adversely affect the character and appearance of this former outbuilding by reason of size and design, and as a result, it would adversely affect the setting of listed buildings. In considering whether to grant planning permission, s66(1) of the Planning (Listed Buildings and Conservations Areas) Act 1990 requires decision makers to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. In light of the forgoing, the public benefits would not be sufficient to outweigh the less than substantial harm identified and the considerable importance and weight this carries in the heritage balance for each listed building.
18. For all these reasons, there would be harm to the character and appearance of the area, and the setting of listed buildings. Accordingly, the proposal would be contrary to Policies SP17, SP18, DM1, DM4, DM30, DM32 of LP and Policies LPRSP9, LPRSP14, LPRSP15, LPRHOU11, LPRENV1 and LPRQD4 of the LPR, which collectively and amongst other matters, requires the quality of heritage assets to be protected and where possible conserved, high quality design, scale of extensions to be sympathetic to the existing building, without overwhelming or destroying its form, and the conserving of the distinctive landscape character of the Medway Valley Landscape of Local Value. There would be conflict with the development plan, taken as a whole, and there would be no material considerations that indicate that it should be determined other than in accordance with the development plan.

Conclusion

19. For the reasons given above and having regard to all other matters raised, the appeal should be dismissed.

Jonathon Parsons

INSPECTOR